



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES
Wednesday, March 1, 2006

2006-0103 – Application for a Use Permit for a 12-foot tall fence along the rear property line of three adjoining parcels. The properties are located at **805, 809 and 815 Van Dyck Court** (near Van Dyck Dr) in an R-2/PD (Low-Medium Density/Planned Development) Zoning District. (APNs: 211-26-082,083,084)

In attendance: Stephanie Blatt, Keith Coblentz, Warren Ong, Applicant's; Gerri Caruso, Administrative Hearing Officer, Kelly Diekmann, Project Planner; Luis Uribe, Staff Office Assistant.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Kelly Diekmann, Project Planner, stated that the proposal is for a masonry wall of up to 12 feet in height between the residential properties and the commercial restaurant to the north. The understanding is that there are three individual property owners as part of the application and they all have individual rights to construct the wall, not an all or nothing proposition. Ms. Caruso asked a question about a statement made in the report which was clarified by Mr. Diekmann.

Ms. Caruso opened the public hearing.

Keith Coblentz, Applicant, received and reviewed a copy of the staff report. The applicant stated that not all three owners are committed to building the wall and wants it stated in the record that 1 or all parties may partake in the construction of the wall. Mr. Coblentz was informed by Anne Lee that Robert Paternoster and Trudi Ryan were working on possibly getting the wall provided. The applicant does not plan on building the wall until the city states that a wall will not be provided by the developer. Ms. Caruso had some questions regarding property lines. Mr. Diekmann clarified the question and also stated that the permit would have a two year limit.

Stephanie Blatt, Applicant, received and reviewed a copy of the staff report. The applicant stated that the noise from El Camino Real is affecting the residents. Ms. Blatt is upset that the city did not require a sound wall to be built.

Warren Ong, Applicant, received and reviewed a copy of the staff report. Mr. Ong stated that the hotel acted like a buffer for the noise and lighting from El Camino Real. The applicant mentioned that he agrees with everything Mr. Coblentz has stated.

Ms. Caruso closed the public hearing.

Ms. Caruso approved the application subject to the Findings and Conditions of Approval provided in the staff report, with a clarification to condition 1.C. that the final design of the wall shall be subject to review and approval by the Director of Community Development to verify that the wall design is consistent or compatible with the wall on the adjacent property. As well as a condition to 1.B. Pertaining building permits from the building department may occur on an individual basis.

Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 2:45 p.m.

Minutes approved by:

Gerri Caruso, Principal Planner